

Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

SEAN WILSON, individually and on behalf  
of all other similarly situated,

Plaintiff,

v.

PTT, LLC, a Delaware limited liability  
company d/b/a HIGH 5 GAMES, LLC, a  
Delaware limited liability company,

Defendant.

NO. 3:18-cv-05275-RBL

**DECLARATION OF JENNIFER M.  
JENSEN**

**NOTE ON MOTION CALENDAR:  
March 13, 2020**

I, Jennifer M. Jensen, declare and state as follows:

1. I am an attorney with the Boise office of the law firm of Holland & Hart LLP and am one of the attorneys representing Defendant High 5 Games, LLC ("High 5"). I make this declaration based on my personal knowledge and based on my personal involvement in this case as counsel for High 5.

2. On January 28, 2020, I received an email from Plaintiff's counsel attached hereto as **Exhibit 1**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DECLARATION OF JENNIFER M.  
JENSEN -1  
(3:18-cv-05275-RBL)

**HOLLAND & HART LLP**  
800 W. MAIN STREET, SUITE 1750  
BOISE, ID 83702  
TEL: 208.342.5000  
FAX: 208.343.8869

1 DATED this 27th day of February, 2020.

2 /s/ Jennifer M. Jensen

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DECLARATION OF JENNIFER M.  
JENSEN -2  
(3:18-cv-05275-RBL)

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of February, 2020, I electronically filed the foregoing **DECLARATION OF JENNIFER M. JENSEN** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Stacy Gust

Stacy Gust, Legal Assistant

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DECLARATION OF JENNIFER M.  
JENSEN -3  
(3:18-cv-05275-RBL)

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# **EXHIBIT 1**

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**From:** Todd Logan <tlogan@edelson.com>  
**Sent:** Tuesday, January 28, 2020 3:59 PM  
**To:** Jennifer M. Jensen  
**Cc:** Brandt Silver-Korn; Erik Stidham; Rafey Balabanian; Cecily Shiel; Stacy Gust; Christopher A. Wright  
**Subject:** Re: Wilson v. High 5: Plaintiff's Fourth LCR 37(a)(2) Submission

External Email

Jenn:

Thanks for today's call. Here are my takeaways--please chime in if I've missed or mischaracterized anything.

- **Confidentiality designations re: LCR 37 motion:** we have opposing views that will be dealt with through the briefing process associated with a motion to seal in support of the motion.
- **Confidentiality designations on Plaintiff's deposition transcript:** we'll speak again Thursday afternoon or Friday morning regarding portions; I've committed to subsequently producing a narrowly redacted version.
- **High 5's 30(b)(6):** we're agreed on 2/19 or 2/20 for the depo, and anticipate likely agreement on (1) a stip and proposed order re continuing the class cert deadline, and (2) a private stip resolving other of our respective concerns.
- **Paragraph 25 of the Complaint:** we disagree that paragraph 25 is false. It is literally true that a player, upon running out of chips, cannot continue to play the game without buying more chips for real money. Nevertheless, we understand the argument your client wants to make, and don't think this is the kind of dispute that should result in motion practice. To that end, we'd consider a stipulated amendment that added something along the lines of the following sentence to paragraph 25: "Once a player runs out of their allotment of free chips, they cannot continue to play the game without buying more chips for real money. **A player may, however, wait for some period of time and later may receive additional free chips.**" We're also likely flexible on specific language, provided the statement is true and accurate. Please let us know your client's views.
- **Third-party subpoenas:** Notwithstanding my compromise proposals, High 5 will likely be filing a motion for a protective order, and we'll plan to meet and confer either immediately before or just after to discuss a mutually agreeable briefing schedule.
- **Concerns about Mr. Wilson's deposition:** to be further discussed at a later time.

Best,

Todd